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10/764,076	01/23/2004	Alan Rex Bauer	12654-33	7997

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EXAMINER	
WOODS, TERESA S	
ART UNIT	PAPER NUMBER
3686	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/764,076	BAUER ET AL.	
	Examiner	Art Unit	
	TERESA WOODS	3686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-261* is/are pending in the application.

4a) Of the above claim(s) *1-199,201-222 and 240-260* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *200,223-239 and 261* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/23/04,5/15/08,11/26/08,7/28/09 & 9/3/09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on 01/23/2004.

2. Claims 200, 223-239 and 261 are currently pending and have been examined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 223-239 and 261 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tobey (US 6,714,894 B1) in view of Burge (US 2002/0111725 A1).

6. **Claim 223:**

Tobey, as shown, discloses the following limitations:

- *a computer system that serves an interface module that monitors a vehicle operating characteristic or a vehicle operator action of one or more vehicle or operators in which the computer system is configured to establish relationships between the vehicle operating characteristic or the vehicle operator action and levels of risk that are involved in an operation of one or more vehicles* (See at least column 4, line 63 to column 5, line 11). Here, the group of drivers serves as an operation of one or more vehicles.

- *a database that stores relationship data representing associations between vehicle data associated with a plurality of vehicles or operators and an operator or insurer monitored vehicle data, where the relationship data quantifies, for one or more vehicles or operators, relationships between relative levels of risk in the operation of the one or more vehicles and the monitored vehicle data* (See at least Abstract, Fig. 3, Fig. 7I, Fig. 7P, Fig. 7T, column 4, line 63 to column 5, line 11, column 19, lines 33-35).

Tobey does not explicitly disclose an interface module. However, Burge discloses a similar apparatus provided below:

- *an interface module that provides functionality to search the database for a risk assessment of the vehicle data, where the interface module is responsive to a request to quantify driver behavior by processing the monitored vehicle data to render a driver safety score, where the driver safety score establishes a level of risk associated with insuring a selected operator or a vehicle* (See at least Fig. 1, Abstract, ¶0051, ¶0172). In the third citation, the on-board sensors serve as interface modules.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Tobey so as to have include

the vehicle monitoring interface module of Burge to comprehensively evaluate the risk and safety of an operator's driving when processing car insurance to have improved the efficiency of the system, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

7. **Claim 224:**

Tobey, as shown, discloses the following limitations:

- *a computer system that serves an interface module that is configured to establish relationships between data that represents a vehicle operating characteristic and a vehicle operator action of one or more users and data that represents levels of risk involved in an operation of one or more vehicles* (See at least column 4, line 63 to column 5, line 11). Here, the group of drivers serves as an operation of one or more vehicles.

Tobey does not explicitly disclose a database linked interface module.

However, Burge discloses a similar apparatus provided below:

- *a database that stores relationship data representing associations between vehicle data associated with a plurality of vehicles or operators and an operator or insurer monitored vehicle data, where the relationship data quantifies, for one or more vehicles or operators, relationships between relative levels of risk in the operation of the one or more vehicles and the monitored vehicle data* (See at least ¶0146, ¶0147).

- *an interface module that provides functionality to search the database for a risk assessment of the vehicle data, where the interface module is responsive to a request to quantify driver behavior by processing the monitored vehicle data to render a driver safety score, where the driver safety score establishes a level of risk associated with insuring a selected user or vehicle* (See at least Fig. 1, Abstract, ¶0051, ¶0146, ¶0172). In the fourth citation, the on-board sensors

serve as interface modules.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Tobey so as to have include the vehicle monitoring interface module and database of Burge to comprehensively evaluate the risk and safety of an operator's driving when processing car insurance to have improved the efficiency of the system, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

8. **Claim 225:**

Tobey, as shown, discloses the following limitations:

- *a computer system that serves an interface module that is configured to establish relationships between data that represents a vehicle operating characteristic or a vehicle operator action and levels of risk that are involved in an operation of one or more vehicles* (See at least column 4, line 63 to column 5, line 11). Here, the group of drivers serves as an operation of one or more vehicles.

Tobey does not explicitly disclose a database linked interface module.

However, Burge discloses a similar apparatus provided below:

- *a database that stores relationship data representing associations between vehicle data associated with a plurality of vehicles or operators and monitored vehicle data, where the relationship data quantifies, for one or more vehicles or operators, relationships between relative levels of risk in the operation of the one or more vehicles and the monitored vehicle data* (See at least ¶0146, ¶0147, ¶0148). Here, managed fleet of vehicles serve as a plurality of vehicles.

- *an interface module that provides functionality to search the database for a risk assessment of vehicle data, where the interface module is responsive to a*

request to quantify driver behavior by processing the monitored vehicle data to generate driver safety data (See at least Fig. 1, Abstract, ¶0051, ¶0172). In the third citation, the on-board sensors serve as interface modules.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Tobey so as to have include the vehicle monitoring interface module and database of Burge to comprehensively evaluate the risk and safety of an operator's driving when processing car insurance to have improved the efficiency of the system, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

9. **Claim 26:**

Tobey and Burge disclose the limitation mentioned above. Tobey and Burge do not disclose the following limitations. However, Tobey further discloses *where the driver safety data comprises a driver safety score* (See at least Fig. 7J, column 16, lines 59-65).

10. **Claim 227:**

Tobey and Burge disclose the limitation mentioned above. Tobey and Burge do not disclose the following limitations. However, Tobey further discloses *where the driver safety score is processed by the computer system to generate*

actuarial information (See at least column 4, lines 63 to column 5, line 35). Here, the information accessed and manipulated by administrators serves as generating actuarial information.

11. **Claim 228:**

Tobey and Burge disclose the limitation mentioned above. Tobey and Burge do not disclose the following limitations. However, Tobey further discloses *where the driver safety score is processed by the computer system to generate or verify insurance information* (See at least Fig. 3, column 9, line 58 to column 10, line 15). Here, raw data, administrative agencies and third party vendors serve as generating insurance information.

12. **Claim 229:**

Tobey and Burge disclose the limitation mentioned above. Tobey and Burge do not disclose the following limitations. However, Tobey further discloses *where the driver safety score comprises a weighted sum of one or more operating factors* (See at least column 5, lines 23-35). Here, the detailed summarized reports of various driver information serves as a weighted sum of one or more

operating factors.

13. **Claim 230:**

Tobey and Burge disclose the limitation mentioned above. Tobey and Burge do not disclose the following limitations. However, Tobey further discloses *where the driver safety score is derived from the monitored data collected from the vehicle and other data independent from the monitored data* (See at least Fig. 7I, Fig. 7J, column 16, lines 48-65).

14. **Claim 231:**

Tobey and Burge disclose the limitation mentioned above. Tobey and Burge do not disclose the following limitations. However, Tobey further discloses *where the driver safety score comprises a dynamic score that reflects changes in a driving behavior* (See at least Fig. 7I, Fig. 7J, column 16, lines 48-65).

15. **Claim 232:**

Tobey and Burge disclose the limitation mentioned above. Tobey and Burge do not disclose the following limitations. However, Burge further discloses *where the driver safety score comprises a rating factor that quantifies an insurable risk* (See at least Abstract, ¶0231; Claim 16). Therefore, it would have been obvious

to one of ordinary skill in the art, at the time of the invention, to have modified the system of Tobey so as to have include the safety scores of Burge to comprehensively evaluate the risk and safety of an operator's driving when processing car insurance to have improved the efficiency of the system, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

16. **Claim 233:**

Tobey and Burge disclose the limitation mentioned above. Tobey and Burge do not disclose the following limitations. However, Tobey further discloses *where the driver safety score comprises a single numerical value* (See at least column 8, lines 2-10). Here, floating point coprocessor is used to calculate single numerical values.

17. **Claim 234:**

Tobey and Burge disclose the limitation mentioned above. Tobey and Burge do not disclose the following limitations. However, Tobey further discloses *where the driver safety score comprises an expression representing a level of risk associated with a particular driver* (See at least Fig. 5A, column 14, line 52 to

column 15, lines 8). In figure 5A, driver's score and represented risk levels are shown.

18. **Claim 235:**

Tobey and Burge disclose the limitation mentioned above. Tobey and Burge do not disclose the following limitations. However, Burge further discloses *further comprising a computer storage media accessible to the computer system that causes a processor to modify terms of an insurance policy* (See at least ¶0002, ¶0231 Claim 23). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Tobey so as to have include the modified insurance policy features of Burge to comprehensively factor in the risk and safety of an operator's driving when processing car insurance to have improved the efficiency of the system, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

19. **Claim 236:**

Tobey and Burge disclose the limitation mentioned above. Tobey and Burge do not disclose the following limitations. However, Burge further discloses *further comprising a computer storage media accessible to the computer system that causes a processor to determine an insurance premium* (See at least ¶0002,

¶0059, ¶0231 Claim 23). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Tobey so as to have include the insurance premium adjustment features of Burge to comprehensively factor in the risk and safety of an operator's driving when processing car insurance to have improved the efficiency of the system, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

20. **Claim 237:**

Tobey and Burge disclose the limitation mentioned above. Tobey and Burge do not disclose the following limitations. However, Burge further discloses *further comprising a computer storage media accessible to the computer system that causes a processor to adjust an insurance premium* (See at least ¶0002, ¶0059, ¶0231; Claim 21). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Tobey so as to have include the insurance premium adjustment features of Burge to comprehensively factor in the risk and safety of an operator's driving when processing car insurance to have improved the efficiency of the system, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

21. **Claim 238:**

Tobey and Burge disclose the limitation mentioned above. Tobey and Burge do not disclose the following limitations. However, Tobey further discloses *where the network computer system comprises a back-end processor that is remote from the vehicle that generates the data* (See at least column 8, lines 2-10). Here, floating point coprocessor serves as a back-end processor that is remote from the vehicle that generates the data.

22. **Claim 239:**

Tobey and Burge disclose the limitation mentioned above. Tobey and Burge do not disclose the following limitations. However, Tobey further discloses *where the relative revels of risk are based on comparisons of a user's vehicle operating habits to vehicle operating habits of others* (See at least Fig. 5A, Fig. 5B, column 4, line 63 to column 5, line 6). Here, a group of drivers serve as comparing the operating habits of others.

23. **Claim 261:**

Tobey, as shown, discloses the following limitations:

- *an input device configured to interface and communicate with a vehicle bus that transfers information to and from in-vehicle devices* (See at least column 8, lines 11-27). Here, the devices attached to a bus serve as an input device configured to interface and communicate with a vehicle bus.

- *a database that stores relationship data indicating the relationships established between a plurality of vehicles or operators and monitored vehicle data, where the relationship data identifies, for one or more selected vehicles or operators, relationships between relative levels of risk and the monitored vehicle data* (See at least Fig. 5A, Fig. 5B, column 4, line 63 to column 5, line 6, column 19, lines 32-61).

- *an interface module that provides functionality to search the database for a risk assessment of vehicle data, where the interface module is responsive to a request by using the relationship data and the monitored vehicle data to identify risk associated with selected vehicles or operators* (See at least Fig. 5A, Fig. 5B, column 4, line 63 to column 5, line 6, column 8, lines 11-27, column 19, lines 32-61).

Tobey does not explicitly disclose processors and data storage. However,

Burge discloses a similar apparatus provided below:

- *a first processor that copies distance-based data repetitively from the vehicle bus through the input device* (See at least ¶0150, ¶0231; Claim10).

- *a memory that retains the distance-based data copied from the vehicle bus at a predetermined interval, the memory retains the content when not connected to a vehicle power source* (See at least Fig. 1, ¶0172).

- *a second processor that assigns a level of insurable risk to a vehicle or an operator based at least in part on the distance-based data written to the memory* (See at least Fig. 1, ¶0144, ¶0145). Here, the data delivery and processing system serves as a second processor.

- *a network server system that provides an interface having the functionality for establishing relationships between users that track vehicle data and levels of risk in a usage based insurance system* (See at least Fig. 1, ¶0144, ¶0145).

Therefore, it would have been obvious to one of ordinary skill in the art, at the

time of the invention, to have modified the system of Tobey so as to have include

the processors and data storage of Burge to comprehensively attribute previous risk and safety factors of an operator's driving when processing car insurance to have improved the efficiency of the system, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

24. Claim 200 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burge (US 2002/0111725 A1) in view of Tobey (US 6,714,894 B1).

25. **Claim 200:**

Burge, as shown, discloses the following limitations:

- *a network server system that provides an interface having the functionality for establishing relationships between users that track vehicle data and levels of risk in a usage based insurance system* (See at least Fig. 1, Fig. 3, 0¶113, ¶0014, ¶0231; Claim 16, 19, 20 & 21).

- *an interface module that provides functionality to search the database for a risk assessment of vehicle data, where the interface module is responsive to a request from a user by using the relationship data and the monitored vehicle data to identify the level of risk* (See at least Fig. 1, Abstract, ¶0051, ¶0172). In the third citation, the on-board sensors serve as interface modules.

Burge does not explicitly disclose data storage for a group of users. However, Tobey discloses a similar apparatus provided below:

- *a database that stores relationship data indicating the relationships established between vehicle data relating to one or more of users and an insured's monitored vehicle data, where the relationship data identifies, for an insured or other selected users, relationships between relative levels of risk and the monitored*

vehicle data (See at least Abstract, Fig. 3, Fig. 7I, Fig. 7P, Fig. 7T, column 4, line 63 to column 5, line 11, column 19, lines 33-35).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified Burge's apparatus and method so as to have include the data storage for a group of users of Tobey to comprehensively attribute previous risk and safety factors of an operator's driving when processing car insurance to have improved the efficiency of the system, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Teresa Woods** whose telephone number is **571.270.5509.** The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Jerry O'Connor** can be reached at **571.272.6787**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

/T. W./
Examiner, Art Unit 3686
12/14/09

/Gerald J. O'Connor/
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